Executive Summary – Enforcement Matter – Case No. 46402 PETRO-TECH ENVIRONMENTAL, LLC

RN105198527 Docket No. 2013-0500-IHW-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IHW

Small Business:

No

Location(s) Where Violation(s) Occurred:

Petro-Tech Environmental, 8502 Cypress Street, Building 3, Houston, Harris County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 4, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$54,151

Amount Deferred for Expedited Settlement: \$10,830 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$1,321 Total Due to General Revenue: \$42,000

Payment Plan: 35 payments of \$1,200 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - High Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 1, 2012

Date(s) of NOE(s): January 28, 2013

Executive Summary – Enforcement Matter – Case No. 46402 PETRO-TECH ENVIRONMENTAL, LLC RN105198527 Docket No. 2013-0500-IHW-E

Violation Information

- 1. Failed to update the Facility's Notice of Registration ("NOR"). Specifically, Respondent failed to update the NOR to properly reflect the waste streams and waste management units [30 Tex. Admin. Code § 335.6(c) and industrial hazardous waste ("IHW") Permit No. 88379, Provision No. II.C.1.h.].
- 2. Failed to properly complete the Uniform Hazardous Waste Manifest. Specifically, an incorrect Texas waste code was listed on the manifest [30 Tex. Admin. Code § 335.10(c) and IHW Permit No. 88379, Provision No. II.C.1.h.].
- 3. Failed to submit and provide a complete and accurate Annual Waste Summary ("AWS"). Specifically, AWSs were not submitted for the years 2009, 2010, and 2011 [30 Tex. Admin. Code § 335.9(a)(2) and IHW Permit No. 88379, Provision No. II.C.1.h.].
- 4. Failed to conduct hazardous waste determinations and classifications of waste streams. Specifically, waste determination and classification was not performed on the waste stream generated by the wastes mixed within the T-102 and T-103 tanks [30 Tex. Admin. Code §§ 335.62, 335.503, and 335.513 and 40 Code of Federal Regulations § 262.11].
- 5. Failed to follow the approved Waste Analysis Plan ("WAP"). Specifically, the Respondent did not modify the permit and the WAP prior to accepting waste with form codes not authorized within the permit [30 Tex. Admin. Code § 335.2 and IHW Permit No. 88379, Provision Nos. IV.A. and IV.B.1.].
- 6. Failed to follow the daily inspection schedule contained within the Facility's permit. Specifically, no inspections were completed from November 2009 to March 2011 [30 Tex. Admin. Code § 335.2 and IHW Permit No. 88379, Provision Nos. III.D. and II.B.1.c.].
- 7. Failed to submit Monthly Waste Receipt Summaries for all manifests received each month. Specifically, Monthly Waste Receipt Summaries were reported late for the months of January, May, June, August, and September of 2010, January through October of 2011, and February of 2012 [30 Tex. Admin. Code § 335.15(2) and IHW Permit No. 88379, Provision No. II.B.9.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

- a. Updated the NOR to reflect the correct waste streams and waste management units on February 6, 2013;
- b. Submitted a properly completed Uniform Hazardous Waste Manifest on January 14, 2013;

Executive Summary – Enforcement Matter – Case No. 46402 PETRO-TECH ENVIRONMENTAL, LLC RN105198527 Docket No. 2013-0500-IHW-E

- c. Modified the Facility's Class 1 permit and the WAP on February 6, 2013 to include additional waste codes accepted by the Facility; and
- d. Implemented procedures on November 19, 2012 to ensure that Monthly Waste Receipt Summary reports are submitted to the agency on or before the 25th of each month.

Technical Requirements:

Respondent shall undertake the following technical requirements:

- a. Within 30 days:
- i. Submit properly completed AWSs for calendar years 2009, 2010, and 2011;
- ii. Conduct hazardous waste determinations and classifications on all waste streams generated at the Facility; and
- iii. Begin conducting all required daily inspections and maintain records at the Facility for three years.
- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Clinton Sims, Enforcement Division,

Enforcement Team 6, MC 128, (512) 239-6933; Candy Garrett, Enforcement Division,

MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Robert L. Burington, Vice President, PETRO-TECH ENVIRONMENTAL, LLC, 8502 Cypress Street, Houston, Texas 77012

Jose G. Lopez, President, PETRO-TECH ENVIRONMENTAL, LLC, 8502 Cypress Street,

Houston, Texas 77012

Respondent's Attorney: N/A

Policy Revision 2 (S		nalty (Calculat	ion Work	sheet (Po		on October 30, 2008
DATES Assigned PCW		Screenin	g 30-Jan-20	13 EPA D	ue]	
Reg. Ent. Ref. No.	PETRO-TECH ENV RN105198527	ON /IRONMEN	TAL, LLC				
Facility/Site Region	12-Houston			Majo	or/Minor Sourc	e Minor	
CASE INFORMATION Enf./Case ID No. Docket No. Media Program(s) Multi-Media	2013-0500-IHW-		aste	Governn	No. of Violation Order Typn nent/Non-Profi Enf. Coordinato EC's Tean	e 1660 t No	am 6
Admin. Penalty \$	Limit Minimum[\$0	Maximum	\$10,000			
TOTAL BASE PENA	LTY (Sum of			lation Sec	ction	Subtotal 1	\$59,000
ADJUSTMENTS (+ Subtotals 2-7 are of Compliance Hi	stained by multiplying	TAL 1 the Total Bas	e Penalty (Subto -10.0			otals 2, 3, & 7	-\$5,900
Notes	Re	eduction fo	r high perforn	ner classificatio	en.		
Culpability Notes	No The Res	pondent de	<u></u>	Enhancement the culpability		Subtotal 4	\$0
	ort to Comply To					Subtotal 5	\$7,050
Economic Bene Approx.	Efit Total EB Amounts Cost of Compliance	\$196 \$1,600		% Enhancement pped at the Total E		Subtotal 6	\$0
SUM OF SUBTOTA	LS 1-7			artryta ji tuu uu	· ·	Final Subtotal	\$46,050
OTHER FACTORS A	Subtotal by the indica	AY REQU	JIRE ie.	0.0	%	Adjustment	\$0
Notes	:						
•		-			Final Pe	nalty Amount	\$46,050
STATUTORY LIMIT	ADJUSTMEN	Ťerej, jili.			Final Asse	essed Penalty	\$46,050
DEFERRAL Reduces the Final Assessed Pe	nalty by the indicted p	ercentage. (I	Enter number on	20.0 9 ly; e.g. 20 for 20%		Adjustment	-\$9,210
Notes	De	eferral offe	red for exped	lited settlement	t.		

PAYABLE PENALTY

\$36,840

Screening Date 30-Jan-2013

Docket No. 2013-0500-IHW-E

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Respondent PETRO-TECH ENVIRONMENTAL, LLC

Case ID No. 46402

Reg. Ent. Reference No. RN105198527

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Andrea Park

Compliance History Worksheet

Component		Enter Number Here	Adjust
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audite	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
		ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Voluntary on-site compliance assessments conducted by the executive under a special assistance program		No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Subt	total 2)
peat Violator (· · · · · · · · · · · · · · · · · · ·
No	Adjustment Per	centage (Subt	total 3)
mpliance Histo	ry Person Classification (Subtotal 7)		
High Per	former Adjustment Per	centage (Subt	otal 7)
mpliance Histo	ory Summary		
Compliance History	Reduction for high performer classification.		

Reg. Ent. Ref	Case ID No. ference No.	PETRO-TECH ENVIRON 46402 RN105198527	MENTAL, LLC	ocket No. 2013-0500-IHW-E		PCW 2 (September 2002) ion October 30, 2008
Enf. C	a [Statute] Coordinator ation Number		us Waste			
	Rule Cite(s)	30 Tex. Admin. Code §		Permit No. 88379, Provision Nos .B.1.	. IV.A. and	
Violatio	n Description	Respondent did not mo	odify the permit a	Analysis Plan ("WAP"). Specifica nd WAP prior to accepting waste ed within the permit.	ally, the with form	
				Bas	se Penalty	\$10,000
>> Environme	ntal, Proper	ty and Human He Har	alth Matrix m			
OR	Release Actual	Major Moder	ate Minor	·		
	Potential			Percent 0%	-	
>>Programma	tic Matrix Falsification	Major Moder	ate Minor		•	
		X		Percent 10%		
Matrix Notes		100% of th	e rule requireme	nt was not met.		
				Adjustment	\$9,000	
						\$1,000
Violation Event	s				reteprilie Seteleffilele fatel	
	Number of \	/iolation Events 38		Number of violation	days	
	mark only one with an x	daily weekly monthly x quarterly semiannual annual		Violation Bas	se Penalty	\$38,000
:	P	single event			η	
	Thirty-eight	monthly events are reco the Janu	mmended from thus ary 30, 2013 scr	ne January 1, 2010 violation star eening date.	t date to	
Good Faith Effo	orts to Com	Before Extraordinary Ordinary	Reduction NOV NOV to EDPRP	/Settlement Offer		\$3,800
		N/A	(mark with x)	nto compliance on Enhrustry 6		
				nto compliance on February 6, Edated January 28, 2013.		
				Violation	Subtotal	\$34,200
Economic Bene	fit (EB) for	this violation		Statutory Limi	t Test	mparamapaepaepini mparamapaepini
	Estimat	ed EB Amount	\$78	Violation Final Pen	alty Total	\$30,400
		This	violation Final	Assessed Penalty (adjusted f	for limits)	\$30,400

Respondent PETRO-TECH ENVIRONMENTAL, LLC Case ID No. 46402 Reg. Ent. Reference No. RN105198527 Years of Media Industrial and Hazardous Waste Percent Interest Depreciation Violation No. 1 5.0 Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs **EB** Amount Item Description No commas or \$ **Delayed Costs** 0.00 \$0 \$0 \$0 Equipment 0.00 \$0 \$0 Buildings \$0 0.00 \$0 \$0 \$0 Other (as needed) \$0 0.00 Engineering/construction \$0 \$0 0.00 n/a Land \$0 0.00 n/a \$0 Record Keeping System \$0 Training/Sampling 0.00 \$0 n/a \$0 Remediation/Disposal 0.00 \$0 n/a \$0 \$0 **Permit Costs** 0.00 \$0 n/a 3.10 \$78 Other (as needed) Estimated cost to modify the Facility's Class 1 permit and the WAP to include additional waste codes accepted by the Facility. The date required is the violation start date, and the final date is the date of Notes for DELAYED costs compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** 0.00 Disposal \$0 \$0 Personnel 0.00 \$0 \$0 Inspection/Reporting/Sampling 0.00 \$0 \$0 \$0 \$0 \$0 Supplies/equipment 0.00 \$0 Financial Assurance [2] 0.00 \$0 \$0 \$0 0.00 \$0 \$0 \$0 ONE-TIME avoided costs [3] 0.00 \$0 Other (as needed) Notes for AVOIDED costs

\$500

Approx. Cost of Compliance

TOTAL

\$78

Scre	ening Date	30-Jan-2013		Docket No. 2013-0500-IHW-E	PCW
	•		IVIRONMENTAL, LLC		Policy Revision 2 (September 2002
	Case ID No.				PCW Revision October 30, 200
Reg. Ent. Re					
	ia [Statute] Coordinator	Industrial and H	iazardous waste		
	ation Number				
VIO			Code & 335.2 and I	HW Permit No. 88379, Provision Nos. I	III.D. and
	naic oite(s)	Jo rext ridtim		II.B.1.c.	
Violatio	on Description	Failed to follow Specifically, n	the daily inspection o inspections were co	schedule contained within the Facility' ompleted from November 2009 to Marc	s permit. ch 2011.
				Base	e Penalty \$10,000
>> Environme	ntal, Proper	ty and Huma	an Health Matri		
			Harm		
	Release	Major	Moderate Min-	or	
OR	Actual			Percent 10%	
	Potential	LL	X	Percent 1070	
>>Programma	tic Matrix				
//Fiogramme	Falsification	Major	Moderate Min	or	
				Percent 0%	
	L	! <u>-</u> !	1		
	Human hea	Ith or the enviro	nment will or could b	e exposed to significant amounts of po	llutants
Matrix	which would n	ot exceed levels	that are protective of	of human health or environmental rece	ptors as a
Notes			result of the		
	L				and the second s
				Adjustment	\$9,000
					+1.006
					\$1,000
vetic to et illo Policio				्रता । अन्तर्भाष्ट्रमा कराष्ट्राचे वृत्तर्भ काराम् एका स्वरम्भागास्त्र	n ag garanaga
Violation Even	ts			- es séléctromanamilitéles. Att sesté terbilles	Marallo a model
	Number of \	/iolation Events	6	485 Number of violation of	davs .
	Number of	Molación Evencs[
		daily weekly			
	mark only one	monthly		Violation Base	Penalty \$6,000
	with an x	quarterly semiannual	X	Violation base	7777
		annual			
		single event			
		200 3 04 (200 (200 (200 (200 (200 (200 (200 (2			
			1 . 1 6	News-ther 1, 2000 violation start date	to the
	Six quarter	ly events are rec	January 30, 2013	November 1, 2009 violation start date	Counce
			January 30, 2013	screening date.	
				e regranar saarren, e e e e e e e e e e e e e e e e e e	
Good Faith Eff	orts to Com	ply	0.0% Reduct		\$C
			Before NOV NOV to E	DPRP/Settlement Offer	
		Extraordinary			
		Ordinary			
		N/A	X (mark wi	th x)	
			The Respondent doe	s not meet the good faith criteria for	
		Notes		this violation.	
		L			
				Violation	Subtotal \$6,000
				Floration	
Economic Bene	efit (EB) for	this violatio	n se i se e	Statutory Limit	Test
		ed EB Amount		\$96 Violation Final Pena	ilty Total \$5,400
	Latinati	ca Lo Amount		· · · · · · · · · · · · · · · · · · ·	-
			This violation I	inal Assessed Penalty (adjusted fo	or limits) \$5,400
				estalija elektriška karakara (h. 1886)	

Respondent PETRO-TECH ENVIRONMENTAL, LLC Case ID No. 46402 Reg. Ent. Reference No. RN105198527 Percent Interest Depreciation Media Industrial and Hazardous Waste Violation No. 2 5.0 Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs **EB** Amount Item Description No commas or \$ **Delayed Costs** 0.00 \$0 \$0 \$0 Equipment 0.00 \$0 \$0 \$0 Buildings 0.00 \$0 \$0 \$0 Other (as needed) \$0 Engineering/construction 0.00 \$0 0.00 n/a \$0 Land 30-Aug-2013 \$500 1-Nov-2009 3.83 \$96 Record Keeping System \$96 n/a \$0 Training/Sampling 0.00 \$0 n/a Remediation/Disposal 0.00 \$0 n/a \$0 \$0 Permit Costs 0.00 \$0 n/a \$0 Other (as needed) Estimated cost to conduct daily inspections and maintain records. The date required is the violation start Notes for DELAYED costs date, and the final date is the estimated date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** 0.00 Disposal \$0 \$0 0.00 \$0 \$0 Personnel \$0 Inspection/Reporting/Sampling 0.00 \$0 \$0 \$0 0.00 \$0 Supplies/equipment \$0 \$0 Financial Assurance [2] 0.00 \$0 \$0 \$0 ONE-TIME avoided costs [3] 0.00 \$0 \$0 \$0 Other (as needed) Notes for AVOIDED costs \$96 TOTAL \$500 Approx. Cost of Compliance

Respondent PETRO-TECH ENVIRONMENTAL, LLC Case ID No. 46402 Reg. Ent. Reference No. RN105198527 Media Industrial and Hazardous Waste Percent Interest Depreciation Violation No. 3 5.0 Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs **EB Amount** Item Description No commas or \$ **Delayed Costs** 0.00 \$0 \$0 \$0 Equipment 0.00 \$0 \$0 **Buildings** 0.00 \$0 \$0 \$0 Other (as needed) \$0 \$0 0.00 Engineering/construction <u>\$0</u> \$0 0.00 n/a Land \$0 \$0 Record Keeping System 0.00 \$0 n/a Training/Sampling 0.00 \$0 n/a \$0 Remediation/Disposal 0.00 \$0 n/a \$0 0.00 \$0 n/a \$0 Permit Costs 1-Nov-2012 19-Nov-2012 0.05 Other (as needed) Estimated cost to implement procedures to ensure that Monthly Waste Receipt Summaries are submitted in a timely manner. The date required is the investigation date, and the final date is the date of Notes for DELAYED costs compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** 0.00 \$0 Disposal 0.00 \$0 \$0 \$0 Personnel \$0 Inspection/Reporting/Sampling 0.00 \$0 \$0 \$0 Supplies/equipment 0.00 \$0 \$0 Financial Assurance [2] 0.00 \$0 \$0 \$0 ONE-TIME avoided costs [3] 0.00 \$0 \$0 \$0 Other (as needed)

\$100

\$0

TOTAL

Notes for AVOIDED costs

Approx. Cost of Compliance

Screening Date		PCW
		licy Revision 2 (September 2002)
Case ID No.		PCW Revision October 30, 2008
Reg. Ent. Reference No.		
	Industrial and Hazardous Waste	
Enf. Coordinator		
Violation Number		No.
Rule Cite(s)	30 Tex. Admin. Code § 335.9(a)(2) and IHW Permit No. 88379, Provision II.C.1.h.	NO.
	TACOLOR IN THE PROPERTY OF THE	
	Failed to submit and provide a complete an accurate Annual Waste Summ	ary
Violation Description	("AWS"). Specifically, AWSs were not submitted for the years 2009 and 20	10.
	Page D	enalty \$10,000
	Base Po	#10,000
>> Environmental Prope	rty and Human Health Matrix	
>> Environmental, Frope	Harm	
Release		
OR Actua		
Potentia	Percent 0%	
>>Programmatic Matrix		
Falsification	Major Moderate Minor	
	X Percent 10%	
Matrix		
Notes	100% of the rule requirement was not met.	
		to 000
allige ig beld avota a massifiliation mus	Adjustment	\$9,000
		\$1,000
		<u> </u>
Violation Events	o protection agreement of the management of the company of the com	
Number of	Violation Events 2 730 Number of violation day	S
	daily	
	weekly	
mark only one	monthly	#2.000
with an x	quarterly Violation Base Po	enalty \$2,000
	semiannual	
	annual	
	single event x	
l l		
	Two single events are recommended for calendar years 2009 and 2010.	
	Two single events are recommended for earling years 2005 and 2010	
L		Lacronia de la Companya de la Compan
Good Faith Efforts to Com	ply 0.0% Reduction	\$0
Sood Faith Ellorid to Sea.	Before NOV NOV to EDPRP/Settlement Offer	
	Extraordinary	
	Ordinary	
	N/A x (mark with x)	
	The Respondent does not meet the good faith criteria for	
	this violation.	
	Violation Su	btotal \$2,000
	nnananningina maaring og	
Economic Benefit (EB) for	this violation Statutory Limit Te	ST
Eating	ed EB Amount \$23 Violation Final Penalty	Total \$1,800
Estimai	EU LD AMOUNT 423	
	This violation Final Assessed Penalty (adjusted for l	imits) \$1,800

Respondent PETRO-TECH ENVIRONMENTAL, LLC Case ID No. 46402 Reg. Ent. Reference No. RN105198527 Percent Interest Depreciation Years of Media Industrial and Hazardous Waste Violation No. 4 5.0 Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs **EB** Amount Item Description No commas or \$ **Delayed Costs** 0.00 \$0 \$0 \$0 Equipment 0.00 \$0 \$0 Buildings \$0 0.00 \$0 \$0 \$0 Other (as needed) \$0 0.00 \$0 Engineering/construction \$0 \$0 0.00 \$0 Land n/a Record Keeping System 0.00 \$0 n/a \$0 Training/Sampling 0.00 \$0 n/a \$0 Remediation/Disposal 0.00 \$0 n/a \$0 \$0 n/a \$0 **Permit Costs** \$1,000 1-Nov-2012 30-Sep-2013 0.91 \$46 Other (as needed) Estimated cost to complete and submit an AWS. The date required is the investigation date, and the final Notes for DELAYED costs date is the estimated date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** 0.00 \$0 Disposal \$0 0.00 \$0 \$0 Personnel \$0 Inspection/Reporting/Sampling 0.00 \$0 \$0 \$0 0.00 \$0 \$0 Supplies/equipment Financial Assurance [2] 0.00 \$0 \$0 \$0 \$0 0.00 \$0 \$0 ONE-TIME avoided costs [3] 0.00 \$0 Other (as needed) Notes for AVOIDED costs \$46 TOTAL Approx. Cost of Compliance \$1,000

	Penalty Calcu	ılation Worksh	eet (PC		
Policy Revision 3 (S	eptember 2011)			PCW Revision	on August 3, 2011
TCEQ			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
DATES Assigned PCW		an-2013 EPA Due			
RESPONDENT/FACILI					
	PETRO-TECH ENVIRONMENTAL, LLC				
Reg. Ent. Ref. No.		Majar/N	linor Source	Minor	***************************************
Facility/Site Region	12-Houston	Major/ M	imor Source	Minor .	
CASE INFORMATION					
Enf./Case ID No.		No. o	of Violations		
	2013-0500-IHW-E		Order Type		
	Industrial and Hazardous Waste	Government			
Multi-Media		Enr.	Coordinator	Enforcement Tean	2.6
Admin. Penalty \$	Limit Minimum \$0 Maxi	mum \$25,000	EC 5 Team	Linoicement ream	1.0
Administrating 4	70	1237000			
	Penalty C	alculation Section	n		
TOTAL DACE DENA	ALTY (Sum of violation base			Subtotal 1	\$10,250
IUIAL BASE PENA	ALTA (Sum of violation base	e penarcies;		Subtotal I	\$10,230
ADJUSTMENTS (+	/-) TO SUBTOTAL 1				
Subtotals 2-7 are of	btained by multiplying the Total Base Penalty	(Subtotal 1) by the indicated ${\bf p}$			
Compliance Hi	story	-10.0% Enhancement	Subto	tals 2, 3, & 7	-\$1,025
	Doduction for bigh n	orformor classification			
Notes	Reduction for high p	erformer classification.			;
				,	
Culpability	No	0.0% Enhancement		Subtotal 4	\$0
Nation	The Respondent does not	most the culpability crite	ria		
Notes	The Respondent does not	meet the culpability trice	110.		
Good Faith Eff	ort to Comply Total Adjustments	r in the first state of the		Subtotal 5	\$1,124
Foonamia Don	ofi+	0.0% Enhancement*		Subtotal 6	\$0
Economic Ben	Total EB Amounts \$222	*Capped at the Total EB \$ A	Amount	Sabtotal o	771
Approx.	. Cost of Compliance \$5,350				
			·····		¢8 101
SUM OF SUBTOTA	LS 1-7		Fi	nal Subtotal	\$8,101
ATILED FLOTORS	AC THETTEE MAY DECISION	0.00()		6 45: .	\$0
	AS JUSTICE MAY REQUIRE Subtotal by the indicated percentage.	0.0%		Adjustment	30
Reduces of elitatices the fina	Subtotal by the macated percentage.				
Notes					
	L		Final Pen	alty Amount	\$8,101
STATUTORY LIMIT	Γ ADJUSTMENT		Final Asses	sed Penalty	\$8,101
					11
DEFERRAL		20.0%	Reduction	Adjustment	-\$1,620
Reduces the Final Assessed Pe	enalty by the indicted percentage. <i>(Enter num</i>	nber only; e.g. 20 for 20% redu	ction.)		
Notes	Deferral offered for	expedited settlement.			

PAYABLE PENALTY

\$6,481

Screening Date 30-Jan-2013

Docket No. 2013-0500-IHW-E

Policy Revision 3 (September 2011) PCW Revision August 3, 2011

Respondent PETRO-TECH ENVIRONMENTAL, LLC

Case ID No. 46402

Reg. Ent. Reference No. RN105198527

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Andrea Park

Compliance History Worksheet

Component	ry Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	. 0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
N. Jiha	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
		ase Enter Yes or No	1
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
7 7 7	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Sub	total 2)
peat Violator (Subtotal 3) Hitter [15] in the control of the contr		
No	Adjustment Per	centage (Sub	total 3)
mpliance Histo	ry Person Classification (Subtotal 7)		
High Perf	ormer Adjustment Per	centage (Sub	total 7)
mpliance Histo	ory Summary		
Compliance			
History Notes	Reduction for high performer classification.		
		3L4-4-1- 3	
	Total Compliance History Adjustment Percentage (S	いいせいてみばく ノー	.5. O(/)

Screening Date		PCW
	•	Policy Revision 3 (September 2011)
Case ID No.		PCW Revision August 3, 2011
Reg. Ent. Reference No.		
	Industrial and Hazardous Waste	
Enf. Coordinator Violation Number	Andrea Park	
Rule Cite(s)	30 Tex. Admin. Code § 335.6(c) and IHW Permit No. 88379, Provision No.	II.C.1.h.
	Failed to update the Facility's Notice of Registration ("NOR"). Specifical	ly, the
Violation Description	Respondent failed to update the NOR to properly reflect the waste stream	ms and
	waste management units.	
•		
	Base	Penalty \$25,000
>> Environmental Propert	y and Human Health Matrix	
>> Lilvironiniental, Froper	Harm	
Release	Major Moderate Minor	
OR Actual		
Potential	Percent 0.0%	
>>Programmatic Matrix Falsification	Major Moderate Minor	
	X Percent 5.0%	
<u> </u>	A construction of the cons	· ·
Matrix	Greater than 70% of the rule requirement was not met:	manufacture and the second sec
Notes		
		122 750
	Adjustment	\$23,750
		\$1,250
Violation Events		Alithia (n. 1994) Bartana a tugʻirdi
N	olation Events 1 90 Number of violation d	lave
Number of V	olation Events 1 90 Number of violation d	ays
! :	A hadaily mag	
	weekly	
:	monthly	
mark only one with an x	quarterly Violation Base	Penalty \$1,250
Will do a	semiannual	
	annual	
	single event x	
	One single event is recommended.	
:		
Good Faith Efforts to Comp		\$125
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	
	Ordinary X	
	N/A (mark with x) The Respondent came into compliance on February 6,	
	Notes 2013, after the Notice of Enforcement ("NOE") dated	
	January 28, 2013.	
	Violation	Subtotal \$1,125
Economic Benefit (EB) for	his violation Statutory Limit	Test
	d EB Amount \$7 Violation Final Pena	
	This violation Final Assessed Penalty (adjusted fo	:

Respondent PETRO-TECH ENVIRONMENTAL, LLC Case ID No. 46402 Reg. Ent. Reference No. RN105198527 Media Industrial and Hazardous Waste Years of Percent Interest Depreciation Violation No. 1 5.0 Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs **EB** Amount Item Description No commas or \$ **Delayed Costs** 0.00 \$0 \$0 \$0 Equipment 0.00 \$0 Buildings 0.00 \$0 \$0 \$0 Other (as needed) \$0 0.00 Engineering/construction \$0 \$0 0.00 n/a \$0 Land \$0 Record Keeping System 0.00 \$0 n/a \$0 Training/Sampling 0.00 \$0 n/a Remediation/Disposal 0.00 \$0 n/a \$0 \$0 Permit Costs 0.00 \$0 n/a 6-Feb-2013 Other (as needed) \$500 Estimated cost to update the Facility's NOR to reflect the correct waste streams and waste management Notes for DELAYED costs units. The date required is the investigation date, and the final date is the date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** 0.00 Disposal \$0 0.00 \$0 \$0 Personnel \$0 \$0 Inspection/Reporting/Sampling 0.00 \$0 <u>\$0</u> \$0 \$0 \$0 Supplies/equipment 0.00 Financial Assurance [2] 0.00 \$0 \$0 \$0 ONE-TIME avoided costs [3] 0.00 \$0 \$0 \$0 \$0 Other (as needed) Notes for AVOIDED costs

\$500

Approx. Cost of Compliance

TOTAL

Screening	g Date 30-Jan-2013	Docket No. 2013-0500-IHW-E	PCW
	ndent PETRO-TECH ENVIR	ONMENTAL, LLC	Policy Revision 3 (September 2011)
Reg. Ent. Referen	ID No. 46402		PCW Revision August 3, 2011
	atute] Industrial and Haza	rdous Waste	
	inator Andrea Park		
Violation I			
Rule	Cite(s) 30 Tex. Admin. Cod	e § 335.10(c) and IHW Permit No. 88379, Provision No.	. II.C.1.h.
	<u> </u>		
			<i>c</i> :
Violation Des		omplete the Uniform Hazardous Waste Manifest. Spec rect Texas waste code was listed on the manifest.	fically, an
	,,,,,,		
		Bas	e Penalty \$25,000
>> Environmental,	Property and Human I	NGGINII INGNII Xarre wa 1941, a manda wakazini a 1111. Iarm	
		derate Minor	
OR	Actual Potential	Percent 0.0%	
**************************************	occincian 1		
>>Programmatic Ma			
Falsi	fication Major Mo	derate Minor x Percent 1.0%	
L.			:
NA L L L L L L L			
Matrix Notes	Less than 3	0% of the rule requirement was not met.	
		Adjustment	\$24,750
			\$250
Violation Events			
Nur	nber of Violation Events	1 74 Number of violation	days
	•		
	daily		
	weekly monthly		
	only one quarterly	Violation Base	e Penalty \$250
	semiannual		
	annual single event	×	
	. On	e single event is recommended.	
L			
Good Faith Efforts to		25.0% Reduction ore NOV NOV to EDPRP/Settlement Offer	\$62
	Extraordinary Extraordinary	ore NOV NOV to EDPRP/Settlement Offer	
	Ordinary	X	
	N/A	(mark with x)	
	Th	e Respondent came into compliance on January 14,	
F 1	Notes	2013, prior to the NOE dated January 28, 2013.	
	<u>L</u>		pr.
,		Violation	Subtotal \$188
Economic Benefit (E	B) for this violation	Statutory Limit	Test
t	stimated EB Amount		Secretaria
		This violation Final Assessed Penalty (adjusted f	or limits) \$163
	uni andamaidhe i dhibrith	ontre Santan and Albert de Calendard (Christian Albert A. Albert A.	Ministrali il i

Respondent PETRO-TECH ENVIRONMENTAL, LLC Case ID No. 46402 Reg. Ent. Reference No. RN105198527 Media Industrial and Hazardous Waste Percent Interest Depreciation Violation No. 2 5.0 Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs **EB Amount** Item Description No commas or \$ **Delayed Costs** 0.00 \$0 \$0 \$0 Equipment 0.00 \$0 \$0 Buildings \$0 0.00 \$0 \$0 \$0 Other (as needed) \$0 Engineering/construction 0.00 \$0 \$0 0.00 n/a \$0 Land \$0 14-Jan-2013 \$50 1-Nov-2012 \$1 \$0 Record Keeping System 0.20 n/a \$1 Training/Sampling 0.00 n/a \$0 Remediation/Disposal 0.00 \$0 n/a \$0 **Permit Costs** 0.00 \$0 n/a \$0 0.00 Other (as needed) Estimated cost to submit a properly completed uniform hazardous waste manifest. The date required is the Notes for DELAYED costs investigation date, and the final date is the date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** \$0 0.00 Disposal \$0 \$0 0.00 \$0 \$0 Personnel Inspection/Reporting/Sampling 0.00 \$0 \$0 \$0 0.00 \$0 \$0 Supplies/equipment \$0 Financial Assurance [2] 0.00 \$0 \$0 \$0 ONE-TIME avoided costs [3] 0.00 \$0 \$0 \$0 Other (as needed) Notes for AVOIDED costs TOTAL \$1 \$50 Approx. Cost of Compliance

Respondent PETRO-TECH ENVIRONMENTAL, LLC **Case ID No.** 46402 Reg. Ent. Reference No. RN105198527 Percent Interest Depreciation Media Industrial and Hazardous Waste Violation No. 3 Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs **EB** Amount Item Description No commas or \$ **Delayed Costs** 0.00 \$0 \$0 \$0 Equipment 0.00 \$0 \$0 \$0 Buildings 0.00 \$0 \$0 \$0 Other (as needed) \$0 0.00 Engineering/construction \$0 \$0 0.00 \$0 n/a Land \$0 0.00 Record Keeping System \$0 n/a \$0 Training/Sampling 0.00 \$0 n/a Remediation/Disposal 0.00 \$0 n/a \$0 **Permit Costs** 0.00 \$0 n/a \$0 30-Sep-2013 0.91 Other (as needed) Estimated cost to complete and submit an AWS. The date required is the investigation date, and the final Notes for DELAYED costs date is the estimated date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** 0.00 Disposal 0.00 \$0 \$0 \$0 Personnel \$0 \$0 Inspection/Reporting/Sampling 0.00 \$0 \$0 0.00 \$0 \$0 Supplies/equipment Financial Assurance [2] 0.00 \$0 \$0 \$0 ONE-TIME avoided costs [3] 0.00 \$0 \$0 \$0 0.00 \$0 Other (as needed) Notes for AVOIDED costs \$23 TOTAL Approx. Cost of Compliance \$500

Respondent PETRO-TECH ENVIRONMENTAL, LLC 2018 TO, 46-462 Reg. Ent. Reference No. RN 1051995277 Red (35tatute) Troustral and Mazardous Waste Enf. Coordinator Andrea Parx Violation Number Violation Description Reference	Screening Da		Docket No. 2013-0500-IHW-E	PCW
Reg. Ent. Reference No. RR10519927 Media [Statute] Industrial and Hazardous Waste Enf. Coordinator Andrea Park Violation Number Rule Cite(s) Failed to conduct hazardous waste determination and classifications of waste streams. Specifically, waste determination and classifications of waste streams. Specifically, waste determination and classifications of waste waste streams. Specifically, waste determination and classifications of waste streams. Specifically, waste determination and classifications of waste waste stream. Base Penalty \$25,000 **Programmatic Matrix** Failstification** Major Moderate Minor Percent 15.0% **Programmatic Matrix* Failstification** Notes Failstification** Notes Failstification** Notes Failstification** Notes Failstification** Notes Failstification** Notes Failstification** **Programmatic Matrix* Failstification** Failstification** National Percent 15.0% **Programmatic Matrix* Failstification** Notes Failstification** Notes Failstification** Notes Failstification** Notes Failstification** **Programmatic Matrix* Failstification** National Percent 15.0% **Programmatic Matrix* Failstification** Notes Failstification** Notes Failstification** Notes Failstification** **Programmatic Matrix* Failstification** Nation** **Programmatic Matrix* Failstification** Nation** Failstification** Nation** **Programmatic Matrix* Failstification** Nation** Notes Failstification** **Programmatic Matrix* Failstification** **Programmatic Matrix* Failstification** Nation** **Programmatic Matrix* Failstification** **Programmatic Matrix* Failstifi				
Nedia Statute Industrial and Hazardrus Waste Enf. Coordinator Andrea Park Violation Number 4 30 Tex. Admin. Code § 335.62, 335.003, and 335.513 and 40 Code of Federal Regulations Security Regulations Security Regulations Security Regulations Security Regulations Security Securit				PCW Revision August 3, 2011
Finf. Coordinator Andree Park Violation Number Rule Cite(s) Falled to conduct hezarrorus waste determinations and classifications of woste streams. Specifically, waste determination and classification was not performed on the waste stream generated by the wastes mixed within the T-102 and T-103 tanks. Percent 15.0% >> Environmental, Property and Human Health Matrix Harm Release Hajor Moderate Minor Percent 15.0% >> Programmatic Matrix Fallsification Major Moderate Minor Percent 0.0% Matrix Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Violation Events Violation Events 30 Number of violation days Violation Events 30 Number of violation days 30 Number of violation days 30 Number of violation days 30 Number of violation by 30 Number of violation days 30 Number of violation by 30 Number of violation days 3	_			
Rule Cite(s) 30 Tex. Admin. Code §§ 335.62, 335.503, and 335.513 and 40 Code of Federal Regulations \$2,62,500. Failed to conduct hazarroous waste determinations and classifications of waste streams. Specifically, waste determination and classification we not performed on the waste stream generated by the wastes mixed within the T-102 and T-103 tanks. **Programmatic Matrix** **Release*** Miglip** Moderate** Minor** OR Actual **Percent 15.0%* **Percent 15.0%* **Percent 0.0%* **Matrix** **Faishington Major** Moderate** Minor** Percent 0.0%* **Matrix** **Faishington Major** Moderate** Minor** **Percent 15.0%* **Programmatic Matrix** **Faishington Major** Moderate** Minor** **Percent 0.0%* **Matrix** **Faishington Major** Moderate** Minor** **Percent 15.0%* **Percent 15.0%* **Percent 15.0%* **Percent 0.0%* **Matrix** **Faishington Major** **Major** **Major** **Matrix** **Faishington Major** **Major** **Major** **Major** **Major** **Major** **Major** **Notes** **Notes** **Notes** **One single event x **Violation Base Penalty \$3,750 **Violation Base Penalty \$3,750 **Single event x **Violation Base Penalty \$3,750 **Single event x **Violation Base Penalty \$3,750 **Single event x **Violation Subtotal** **Texasorianay** **One single event x **Violation Subtotal** **Texasorianay** **Percent 15.0%* **Single event x **Violation Subtotal** **Single event x **Violation Subtotal** **Texasorianay** **Percent 15.0%* **Single event x **Violation Subtotal** **Texasorianay** **Texasorianay				
Violation Description Felical to conduct hazardous waste determinations and classifications of waste streams. Specifically, violated determination and classification was not performed on the waste stream generated by the wastes mixed within the T-102 and T-103 tanks. Sase Penalty		Forting the second seco		
Violation Description Failed to conduct hezardous waste determination and classifications of waste bettermination and classification was not performed on the waste stream. Specifically, waste determination and classification was not performed on the waste stream generated by the wastes niked within the T+102 and T+103 tanks.	Rule Cite(Federal
Violation Description Streams. Specifically, waste determination and classification was not performed on the waste stream generated by the wastes mixed within the T-102 and T-103 tanks. Base Penalty \$25,000		Regi	ulations § 262.11	
Violation Description Streams, Specifically, waste determination and classification was not performed on the waste stream generated by the wastes mixed within the T-102 and T-103 tanks. Base Penalty 325,000				
### Stream generated by the wastes mixed within the T-102 and T-103 tanks. Base Penalty	Violation Description			
See Penalty \$25,000	violation bescription			
>> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Percent 15.0%				
>> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor				
Release Major Harm Moderate Minor Actual Percent 15.0% >>Programmatic Matrix Falsification Major Moderate Minor Percent 0.0% Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$21,250			Bas	e Penalty \$25,000
Release Major Harm Moderate Minor Actual Percent 15.0% >>Programmatic Matrix Falsification Major Moderate Minor Percent 0.0% Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$21,250	>> Environmental, Prop	erty and Human Health Matri		
Percent 15.0% >>Programmatic Matrix Falsification Major Moderate Minor Percent 0.0% Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$21,250 \$3,750	1.	Harm		
>>Programmatic Matrix Falsification Major Moderate Minor Falsification Major Moderate Minor Falsification Major Moderate Minor Falsification Percent 0.0% Matrix Mores Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$21,250 Violation Events Number of Violation Events 1 90 Number of violation days daily Weekly Wee			or	
>>Programmatic Matrix Falsification Major Moderate Minor Percent 0.0% Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. **Adjustment** \$21,250 \$33,750 Violation Events Number of Violation Events Number of Violation Events			Percent 15.0%	
Falsification Major Moderate Minor Percent 0.0% Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$21,250 \$3,750 Violation Events Number of Violation Events 1 90 Number of violation days daily weekly monthly quarterly semiannual annual single event x One single event x One single event by recommended for one waste stream. Good Faith Efforts to Comply 0.0% Reduction Before NOV NOV to EDPREYSettlement Offer Extraordinary Ordinary N/A x mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$3,750 Economic Benefit (EB) for this violation \$53,750		. E		
Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$21,250 \$33,750 Violation Events Number of Violation Events 1 90 Number of violation days daily weekly weekly weekly weekly weekly semiannual annual single event x One single event is recommended for one waste stream. Good Faith Efforts to Comply 0.0% Reduction Before NOV NOV to EDPRE/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$3,750 Economic Benefit (EB) for this violation \$50,000 Statutory Limit Test Estimated EB Amount \$192 Violation Final Penalty Total \$3,3750				
Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment	Falsificatio	n Major Moderate Min	. ,	
Notes that are protective of human health or environmental receptors as a result of the violation. Adjustment \$21,250 \$3,750 Violation Events Number of Violation Events 1 90 Number of violation days daily weekly monthly quarterly semiannual single event x One single event x One single event is recommended for one waste stream. Good Faith Efforts to Comply 0.0% Reduction \$0 Extraordinary Ordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$3,750 Economic Benefit (EB) for this violation \$192 Violation Final Penalty Total \$3,375	<u> </u>		Percent 0.070	
Notes that are protective of human health or environmental receptors as a result of the violation. Adjustment \$21,250 \$3,750 Violation Events Number of Violation Events 1 90 Number of violation days daily weekly monthly quarterly semiannual single event x One single event x One single event is recommended for one waste stream. Good Faith Efforts to Comply 0.0% Reduction \$0 Extraordinary Ordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$3,750 Economic Benefit (EB) for this violation \$192 Violation Final Penalty Total \$3,375				
Seconomic Benefit (EB) for this violation Statutory Limit Test \$3,750				1
Violation Events Number of Violation Events 1 90 Number of violation days daily weekly weekly weekly weekly semiantual annual single event x One single event is recommended for one waste stream. Good Faith Efforts to Comply 0.0% Reduction Before NOV NOV to EDPRE/Settlement Offer Extraordinary Ordinary N/A x ((mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$3,750 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$192 Violation Final Penalty Total \$3,375	Notes that are	protective of Haman Health or environ	interieur receptors as a resait or the vio	
Violation Events Number of Violation Events 1 90 Number of violation days daily weekly weekly yearderly semiannual annual single event x One single event is recommended for one waste stream. Good Faith Efforts to Comply 0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x ((mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$3,750 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$192 Violation Final Penalty Total \$3,375				¢21.250
Violation Events Number of Violation Events			Adjustment	\$21,230
Number of Violation Events 1 90 Number of violation days daily weekly monthly quarterly semiannual annual single event x One single event x One single event before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$3,750 Economic Benefit (EB) for this violation Estimated EB Amount \$192 Violation Final Penalty Total \$3,375				\$3,750
Number of Violation Events 1 90 Number of violation days daily weekly monthly quarterly semiannual annual single event x One single event x One single event before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$3,750 Economic Benefit (EB) for this violation Estimated EB Amount \$192 Violation Final Penalty Total \$3,375	Violation Events		aagu joog koo balab oo biiliida daga ayay d	ma o di e e
Mark only one with an x Weekly monthly quarterly semiannual annual single event x	· VIOIGUON EVENTS		filede (Alto Annollo elektrolokolokolokolokolokolokolokolokolokolo	
Weekly monthly quarterly semiannual annual single event is recommended for one waste stream. One single event is recommended for one waste stream.	Number o	f Violation Events 1	90 Number of violation	days
Weekly monthly quarterly semiannual annual single event is recommended for one waste stream. One single event is recommended for one waste stream.		el-sition in the second		
### Wild an X Mark only one with an X Seminaral annual single event X Wild annual sin				•
Good Faith Efforts to Comply Extraordinary Ordinary N/A Notes Complication Base Penalty Single event is recommended for one waste stream. One single event is recommended for one waste stream. Sometimes and the complete of the comple		monthly		
One single event is recommended for one waste stream. Good Faith Efforts to Comply Extraordinary Ordinary N/A Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$3,750 Economic Benefit (EB) for this violation Estimated EB Amount \$192 Violation Final Penalty Total \$3,375		quarterly quarterly	Violation Bas	e Penalty \$3,750
One single event is recommended for one waste stream. Good Faith Efforts to Comply O.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$3,750 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$192 Violation Final Penalty Total \$3,375				
One single event is recommended for one waste stream. Good Faith Efforts to Comply				
Good Faith Efforts to Comply Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$3,750 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$192 Violation Final Penalty Total \$3,375				
Good Faith Efforts to Comply Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$3,750 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$192 Violation Final Penalty Total \$3,375				
Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$3,750 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$192 Violation Final Penalty Total \$3,375	200	One single event is recommer	nded for one waste stream.	
Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$3,750 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$192 Violation Final Penalty Total \$3,375	1			
Extraordinary Ordinary N/A X (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$3,750 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$192 Violation Final Penalty Total \$3,375	Good Faith Efforts to Co	nply 0.0% Reduct	lone, sed, pagetta magnese in el 11, comi	\$0
Ordinary N/A			EDPRP/Settlement Offer	
Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$3,750 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$192 Violation Final Penalty Total \$3,375		·		
Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$3,750 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$192 Violation Final Penalty Total \$3,375			ith x)	
Violation Subtotal \$3,750 Economic Benefit (EB) for this violation Estimated EB Amount \$192 Violation Final Penalty Total \$3,375				
Violation Subtotal \$3,750 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$192 Violation Final Penalty Total \$3,375		Notes The Respondent doe	-	
Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$192 Violation Final Penalty Total \$3,375		<u> </u>	2	
Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$192 Violation Final Penalty Total \$3,375			Violation	Subtotal \$3,750
Estimated EB Amount \$192 Violation Final Penalty Total \$3,375				
	Economic Benefit (EB) fo	or this violation	Statutory Limit	Test
This violation Final Assessed Penalty (adjusted for limits) \$3,375	Estim	ated EB Amount	\$192 Violation Final Pena	olty Total \$3,375
inis violation Final Assessed Penalty (adjusted for limits) \$3,375		This visitation	Final Accorded Danathy (adjusted 5	or limits) 82 275
		I nis violation i	i iliai Assesseu Fellalty (aujusteu li	n mmts)

Respondent PETRO-TECH ENVIRONMENTAL, LLC Case ID No. 46402 Reg. Ent. Reference No. RN105198527 Percent Interest Depreciation Media Industrial and Hazardous Waste Violation No. 4 5.0 15 **EB** Amount Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs Item Description No commas or \$ **Delayed Costs** 0.00 \$0 \$0 \$0 Equipment \$0 \$0 0.00 \$0 Buildings \$0 0.00 \$0 \$0 Other (as needed) \$0 Engineering/construction 0.00 \$0 \$0 \$0 0.00 Land \$0 n/a Record Keeping System 0.00 \$0 n/a \$0 Training/Sampling 0.00 \$0 n/a \$0 Remediation/Disposal 0.00 \$0 n/a \$0 **Permit Costs** 0.00 \$0 n/a \$0 1-Nov-2012 30-Sep-2013 0.91 \$192 Other (as needed) n/a Estimated cost to conduct hazardous waste determinations and classify the waste stream at the Facility. Notes for DELAYED costs The date required is the date of the investigation, and the final date is the expected date of compliance. **Avoided Costs** ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) 0.00 \$0 Disposal \$0 \$0 Personnel 0.00 \$0 \$0 Inspection/Reporting/Sampling 0.00 \$0 \$0 \$0 \$0 Supplies/equipment 0.00 \$0 \$0 Financial Assurance [2] 0.00 \$0 \$0 \$0 ONE-TIME avoided costs [3] 0.00 \$0 \$0 \$0 0.00 Other (as needed) Notes for AVOIDED costs TOTAL \$192 Approx. Cost of Compliance \$4,200

	ening Date			Docket No. 2013-0500-IHW-E	PCW
			VIRONMENTAL, LLC		Policy Revision 3 (September 2011) PCW Revision August 3, 2011
Reg. Ent. Re	Case ID No. ference No.				FCW Revision August 5, 2011
		Industrial and Ha	azardous Waste		
	Coordinator				
Viol	ation Number				
	Rule Cite(s)	30 Tex. Admin.	Code § 335.15(2) a	ind IHW Permit No. 88379, Provision	No. II.B.9.
		Failed to submit	- Monthly Waste Red	ceipt Summaries for all manifests rec	eived each
Violatio	on Description	month. Specifi	cally, Monthly Waste	Receipt Summaries were reported I	ate for the
		months	of September and	October of 2011 and February of 201	.2.
				Ra .	se Penalty \$25,000
				·	se remarcy \$25,000
>> Environme	ntal, Proper	ty and Huma	n Health Matri:		
	Release	Major	Harm Moderate Mind	or	
OR	Actual	1	1		
	Potential			Percent 0.0%	
en in de la companya	wan war was	. 4 200000404			
>>Programma	Falsification	Major	Moderate Mine	in makananin in in in a	
	Taismeason	1 × 1		Percent 5.0%	[د
Matrix					***************************************
Notes		100	% of the rule requir	ement was not met.	11
	L				
				Adjustment	\$23,750
					\$1,250
					41,230
Violation Even	ts				ransistanin esercicións Brustinatura (1974) en eser
				182 Number of violation	n days
	Number of	Violation Events	3	182 Number of Violation	i days
		daily			
		weekly			
	mark only one	monthly		Violation Ba	se Penalty \$3,750
	with an x	quarterly semiannual		Violation ba	30 1 0.114.0
		annual			
		single event	×		
	I .				
	Three sin	gle events are red		on documentation of the violation dur	ing the
			November 1, 2017	2 investigation.	
VI. 1911 I		Tage to the same	Tall the		\$937
Good Faith Eff	orts to Com	ply	25.0% Reduct Before NOV NOV to E	ion DPRP/Settlement Offer	\$337
		Extraordinary	Belore NOV NOV to E	- STAT SCHOOL STATE OF STATE O	
		Ordinary	x		
		N/A	(mark wi	ith x)	
			The Respondent car	ne into compliance on November 19,	77
		Notes	2012, prior to the	ne NOE dated January 28, 2013.	
		L			1
				Violatio	n Subtotal \$2,813
engalis janus al Karlet.	ell (PD) for	- خام المام المام المام	C. Alder se Palasian Pal	Statutory Lim	it Test
Economic Bene	ent (cb) tor	uns violation			
	Estimat	ed EB Amount		\$0 Violation Final Per	nalty Total \$2,438
			This violation	Final Assessed Penalty (adjusted	for limits) \$2,438

Respondent PETRO-TECH ENVIRONMENTAL, LLC **Case ID No.** 46402 Reg. Ent. Reference No. RN105198527 Media Industrial and Hazardous Waste Percent Interest Depreciation Years of Violation No. 5 5.0 Yrs Interest Saved Onetime Costs **EB** Amount Item Cost Date Required Final Date Item Description No commas or \$. **Delayed Costs** 0.00 \$0 \$0 \$0 Equipment 0.00 \$0 \$0 \$0 Buildings 0.00 \$0 \$0 \$0 Other (as needed) 0.00 Engineering/construction \$0 \$0 0.00 n/a Land \$0 \$0 Record Keeping System 0.00 \$0 n/a \$0 Training/Sampling 0.00 \$0 n/a Remediation/Disposal 0.00 \$0 n/a \$0 0.00 \$0 n/a \$0 Permit Costs 1-Nov-2012 19-Nov-2012 0.05 Other (as needed) Estimated cost to implement procedures to ensure that Monthly Waste Receipt Summary reports are submitted to the agency on or before the 25th of each month. The date required is the investigation date, Notes for DELAYED costs and the final date is the date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** 0.00 \$0 Disposal \$0 \$0 \$0 Personnel 0.00 \$0 Inspection/Reporting/Sampling 0.00 \$0 \$0 \$0 0.00 \$0 Supplies/equipment \$0 \$0 Financial Assurance [2] 0.00 \$0 \$0 0.00 \$0 \$0 \$0 ONE-TIME avoided costs [3] \$0 Other (as needed)

\$100

\$0

TOTAL

Notes for AVOIDED costs

Approx. Cost of Compliance

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN603174210, RN105198527, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, o Owner/Operator:	r CN603174210, PETRO-TECH ENVIRONMENTAL, LLC	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN105198527, PETRO-TECH ENVIRONMENTAL	Classification: HIGH	Rating: 0.00
Complexity Points:	9	Repeat Violator: NO	
CH Group:	14 - Other	***************************************	
Location:	8502 CYPRESS ST, BLDG 3 HOUSTON, TX	77012-1735, HARRIS COUN	TY
TCEQ Region:	REGION 12 - HOUSTON		
ID Number(s): INDUSTRIAL AND HAZARDO REGISTRATION # (SWR) 88379 INDUSTRIAL AND HAZARDO USED OIL EPA ID TXR0000779 Compliance History Perio	US WASTE PERMIT 88379 USED	STRIAL AND HAZARDOUS 0077966 OIL REGISTRATION A85914 Rating Year: 201	1
Date Compliance History	Report Prepared: March 12, 2013		
Agency Decision Requirin	g Compliance History: Enforcemen	t	
Component Period Select	ed: March 12, 2008 to March 12, 2013		
TCEQ Staff Member to Co	ntact for Additional Information Reg	arding This Compliance	e History.
Name: Andrea Park		Phone: (713)	422-8970
•	e and/or operation for the full five year compli lange in ownership/operator of the site during		YES NO

4) If YES for #2, who was/were the prior

N/A

owner(s)/operator(s)?

5) If **YES**, when did the change(s) in owner or operator

N/A

occur?

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	8	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
PETRO-TECH	§	TEXAS COMMISSION ON
ENVIRONMENTAL, LLC	§	
RN105198527	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2013-0500-IHW-E

I. JURISDICTION AND STIPULATIONS

- 1. The Respondent owns and operates a wastewater treatment facility at 8502 Cypress Street, Building 3, in Houston, Harris County, Texas (the "Facility").
- 2. The Facility involves or involved the management of industrial solid waste and hazardous waste as defined in Tex. Health & Safety Code ch. 361.
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 2, 2013.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Fifty-Four Thousand One Hundred Fifty-One Dollars (\$54,151) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Three Hundred

Twenty-One Dollars (\$1,321) of the administrative penalty and Ten Thousand Eight Hundred Thirty Dollars (\$10,830) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Forty-Two Thousand Dollars (\$42,000) of the administrative penalty shall be payable in 35 monthly payments of One Thousand Two Hundred Dollars (\$1,200) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. ADMIN. CODE § 70.10(a).
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. Updated the Notice of Registration ("NOR") to reflect the correct waste streams and waste management units on February 6, 2013;
 - b. Submitted a properly completed Uniform Hazardous Waste Manifest on January 14, 2013;
 - c. Modified the Facility's Class 1 permit and the Waste Analysis Plan ("WAP") on February 6, 2013 to include additional waste codes accepted by the Facility; and
 - d. Implemented procedures on November 19, 2012 to ensure that Monthly Waste Receipt Summary reports are submitted to the agency on or before the 25th of each month.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to update the Facility's NOR, in violation of 30 TEX. ADMIN. CODE § 335.6(c) and industrial hazardous waste ("IHW") Permit No. 88379, Provision No. II.C.1.h., as documented during an investigation conducted on November 1, 2012. Specifically, the Respondent failed to update the NOR to properly reflect the waste streams and waste management units.
- 2. Failed to properly complete the Uniform Hazardous Waste Manifest, in violation of 30 Tex. Admin. Code § 335.10(c) and IHW Permit No. 88379, Provision No. II.C.1.h., as documented during an investigation conducted on November 1, 2012. Specifically, an incorrect Texas waste code was listed on the manifest.
- 3. Failed to submit and provide a complete and accurate Annual Waste Summary ("AWS"), in violation of 30 Tex. Admin. Code § 335.9(a)(2) and IHW Permit No. 88379, Provision No. II.C.1.h., as documented during an investigation conducted on November 1, 2012. Specifically, AWSs were not submitted for the years 2009, 2010, and 2011.
- 4. Failed to conduct hazardous waste determinations and classifications of waste streams, in violation of 30 Tex. ADMIN. Code §§ 335.62, 335.503, and 335.513 and 40 Code of Federal Regulations ("CFR") § 262.11, as documented during an investigation conducted on November 1, 2012. Specifically, waste determination and classification was not performed on the waste stream generated by the wastes mixed within the T-102 and T-103 tanks.
- 5. Failed to follow the approved WAP, in violation of 30 Tex. Admin. Code § 335.2 and IHW Permit No. 88379, Provision Nos. IV.A. and IV.B.1., as documented during an investigation conducted on November 1, 2012. Specifically, the Respondent did not modify the permit and the WAP prior to accepting waste with form codes not authorized within the permit.
- 6. Failed to follow the daily inspection schedule contained within the Facility's permit, in violation of 30 Tex. Admin. Code § 335.2 and IHW Permit No. 88379, Provision Nos. III.D. and II.B.1.c., as documented during an investigation conducted on November 1, 2012. Specifically, no inspections were completed from November 2009 to March 2011.
- 7. Failed to submit Monthly Waste Receipt Summaries for all manifests received each month, in violation of 30 Tex. ADMIN. Code § 335.15(2) and IHW Permit No. 88379, Provision No. II.B.9., as documented during an investigation conducted on November 1, 2012. Specifically, Monthly Waste Receipt Summaries were reported late for the months of January, May, June, August, and September of 2010, January through October of 2011, and February of 2012.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: PETRO-TECH ENVIRONMENTAL, LLC, Docket No. 2013-0500-IHW-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Submit properly completed AWSs for calendar years 2009, 2010, and 2011, in accordance with 30 Tex. ADMIN. CODE § 335.9;
 - ii. Conduct hazardous waste determinations and classifications on all waste streams generated at the Facility, in accordance with 30 TEX. ADMIN. CODE §§ 335.62, 335.503, and 335.513 and 40 CFR § 262.11; and
 - iii. Begin conducting all required daily inspections and maintain records at the Facility for three years, in accordance with 30 Tex. ADMIN. CODE § 335.2.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false

PETRO-TECH ENVIRONMENTAL, LLC DOCKET NO. 2013-0500-IHW-E Page 5

information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Waste Section Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission,

PETRO-TECH ENVIRONMENTAL, LLC DOCKET NO. 2013-0500-IHW-E Page 6

including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

8. Under 30 Tex. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	(a/22/15 Date
I, the undersigned, have read and understand the att agree to the attached Agreed Order on behalf of the e do agree to the terms and conditions specified therein accepting payment for the penalty amount, is materially	entity indicated below my signature, and I . I further acknowledge that the TCEQ, in
 I also understand that failure to comply with the C and/or failure to timely pay the penalty amount, may react an end of this case to the Attorney General additional penalties, and/or attorney fees, or to a linereased penalties in any future enforcement a Automatic referral to the Attorney General's C and TCEQ seeking other relief as authorized by law. In addition, any falsification of any compliance documents. 	result in: mitted; l's Office for contempt, injunctive relief, a collection agency; actions; Office of any future enforcement actions;
Signature	08/16/13
Rober Busino or Name (Printed or typed) Authorized Representative of PETRO-TECH ENVIRONMENTAL, LLC	Title president

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.